

Remarks/Arguments:

With the present amendments, claims 1, 2, 5-7, 12, 13, 15-25, 29, 30, and 34-43 are pending. Claims 3, 4, 8-11, 14, 26-28, and 31-33 have been cancelled. Claims 1, 2, 12, 16, 21, 29, 30 34-37, and 39-43 are herein amended. Support for these amendments can be found, for example, in the originally filed application at page 7, line 19 to page 8, line 10; page 9, lines 1-27; and Figs. 3 & 4. No new matter has been added.

Applicant thanks the Examiner for the courtesy of the telephone interview conducted on February 4, 2009. During the interview, potential amendments to the claims were discussed in view of the outstanding rejections.

Response to Rejections:

Double Patenting Under 35 U.S.C. § 101

Claims 1, 3, 4, 11, 14, 21, 25, 26, 30, 34-37, 41, and 43 stand rejected on the ground of statutory double-patenting as claiming the same invention as U.S. Pat. No. 6,997,203. Applicant respectfully requests reconsideration of this rejection. Applicant respectfully submits that the Application claims are not the same in scope as the Patent claims.

Specifically, Applicant submits that Application claims corresponding to a system configured to distribute liquid flow into predetermined proportions, are not the same in scope as any of Patent claims 14-36. For example, Patent claims 14-28 include the feature of "said receptacle being mounted from below," a feature absent from the Application claims. Patent claims 29-32 lack the feature of at least one float "to level said receptacle by action of buoyancy of said float in contact with said liquid collected in said interior of said distributor, said buoyancy maintaining said receptacle horizontally level when said distributor is not level," a feature present in the Application system claims. Patent claims 33 and 34 lack the feature of "said receptacle outlets reside in a plane substantially parallel to the level of said liquid collected in said interior of said distributor," a feature present in the Application system claims. Patent claims 35 and 36 lack the feature of "wherein at least one liquid portion from at least one of said receptacle outlets collects in an interior of said distributor," a feature present in the Application system claims.

Applicant further submits that Application claims corresponding to a method for distributing liquid flow into predetermined proportions, are not the same in scope as any of Patent claims 1-13. For example, Patent claims 1-3, 5, and 6 lack the feature of "floating the receptacle on the liquid collected in the interior of the distributor," a feature present in the Application method claims. Patent claim 4 lacks the feature of "the receptacle outlets are maintained in a plane substantially parallel to the level of liquid collected in the interior of the distributor," a feature present in the Application method claims. Patent claims 7-13 lack the feature of "supplying liquid to a receptacle," a feature present in the Application method claims. Accordingly, claims of the present application are not the same in scope as any of the claims of U.S. Pat. 6,997,203. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Double Patenting Under 35 U.S.C. § 103

Claims 1-6, 8-13, 18-20, 23, 25, 29, 31-33, 40, and 42 stand rejected on the ground of non-statutory obviousness-type double patenting. Applicant herewith files a Terminal Disclaimer. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 102(b)

The Sondov Reference

Claims 1-17 and 29-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,216,733 to Sondov ("Sondov"). Applicant respectfully submits that these claims are patentable over Sondov for the reasons set forth below.

In order to anticipate a claim under 35 U.S.C. § 102, the reference must teach every element of the claim. M.P.E.P. § 2131. Furthermore, "the identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) and M.P.E.P. § 2131.

Independent claim 1, as amended, recites at least one limitation that is neither disclosed nor suggested by Sondov, namely: "wherein at least one liquid portion from at least one of said receptacle outlets collects in an interior of said distributor." This feature allows for the self-leveling of the receptacle by using "at least one float coupled to said receptacle to level said

receptacle by action of buoyancy of said float in contact with said liquid collected in said interior of said distributor." Referring to Fig. 1, Sondov discloses a water distribution basin 4 wherein water runs radially out to distribution holes 5 and down through pipe connections 6 into outlet pipes 7. See Sondov at column 2, lines 41-60. Sondov further discloses that "[c]ondensation of water on the inside of the shaft provides sufficient water for the movement of floating body 3." See Sondov at column 3, lines 3-5. Sondov fails to disclose the water collected in the water distribution basin outletting into the interior of shaft 1. Accordingly, Sondov fails to disclose "at least one liquid portion from at least one of said receptacle outlets collects in an interior of said distributor," as recited in claim 1. Therefore, Applicant respectfully requests that this rejection of claim 1 be withdrawn.

Claim 29, while not identical to claim 1, includes the feature of "at least a portion of the liquid from the receptacle is collected in an interior of the distributor." Accordingly, Applicant respectfully submits that claim 29 is allowable for at least the reasons discussed above with respect to claim 1. Therefore, Applicant respectfully requests that this rejection of claim 29 be withdrawn.

Applicant respectfully submits that all claims that depend from claim 1 and 29 are allowable at least as dependent on an allowable base claim. Therefore, Applicant respectfully requests that this rejection of claims 2-17 and 30-39 be withdrawn for at least that reason.

The Voisin Reference

Claims 1-8, 15, 17-22, 29-31, 36-38, 40, and 41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by FR 2,774,109 to Voisin et al. ("Voisin"). Applicant respectfully submits that these claims are patentable over Voisin for the reasons set forth below.

Independent claim 1, as amended, recites at least one limitation that is neither disclosed nor suggested by Voisin, namely: "at least one float coupled to said receptacle." This feature allows for the self-leveling of the receptacle "by action of buoyancy of said float in contact with said liquid collected in said interior of said distributor." Referring to Fig. 2, Voisin discloses a tipping plate 14 disposed on a pivot 13 which diverts liquid to one of two outlets 9 and 10. See Voisin at Abstract. Voisin fails to disclose "at least one float coupled to said receptacle," as recited in claim 1. Therefore, Applicant respectfully requests that this rejection of claim 1 be withdrawn.

Claim 29, while not identical to claim 1, includes the feature of "at least one float coupled to said receptacle." Accordingly, Applicant respectfully submits that claim 29 is allowable for at least the reasons discussed above with respect to claim 1. Therefore, Applicant respectfully requests that this rejection of claim 29 be withdrawn.

Applicant respectfully submits that the claims that depend from claims 1 and 29 are allowable at least as dependent on an allowable base claim. Therefore, Applicant respectfully requests that this rejection of claims 2-8, 15, 17-22, 30, 31, 36-38, 40, and 41 be withdrawn at least for that reason.

The Berge Reference

Claims 1-9, 18, 19, 21, 23-32, and 40-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by WO 03/096795 to Berge ("Berge"). Applicant respectfully submits that these claims are patentable over Berge for the reasons set forth below.

Independent claim 1, as amended, recites at least one limitation that is neither disclosed nor suggested by Berge, namely: "at least one float coupled to said receptacle." This feature allows for the self-leveling of the receptacle "by action of buoyancy of said float in contact with said liquid collected in said interior of said distributor." Referring to Fig. 1, Berge discloses a liquid distribution pan 1 suspended from a point 6 and including at least two distribution pipes 4 which outlet liquid into outlet pipes 3. See Berge at Abstract. Berge fails to disclose "at least one float coupled to said receptacle," as recited in claim 1. Therefore, Applicant respectfully requests that this rejection of claim 1 be withdrawn.

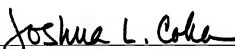
Claim 29, while not identical to claim 1, includes the feature of "at least one float coupled to said receptacle." Accordingly, Applicant respectfully submits that claim 29 is allowable for at least the reasons discussed above with respect to claim 1. Therefore, Applicant respectfully requests that this rejection of claim 29 be withdrawn.

Applicant respectfully submits that the claims that depend from claim 1 and 29 are allowable at least as dependent on an allowable base claim. Therefore, Applicant respectfully requests that this rejection of claims 2-9, 18, 19, 21, 23-28, 30-32, and 40-43 be withdrawn for at least that reason.

Conclusion

In view of the foregoing remarks and amendments, Applicant respectfully submits that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are hereby respectfully requested.

Respectfully submitted,



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